

STATEMENT OF RANKING MEMBER GORDON H. SMITH

Special Committee on Aging Hearing “The Nursing Home Reform Act Turns Twenty: What Has Been Accomplished, and What Challenges Remain?”

May 2, 2007

I want to thank Senator Kohl for holding this important hearing today. The issue of nursing home quality and safety has long been an issue of particular interest for me and I thank the panelists for being here today. The essential work that they do, whether it is monitoring or evaluating care, providing care or advocating for nursing home residents, supplies the framework that helps so many of our elderly family members age with dignity.

We are here to look at the Nursing Home Reform Act, also called OBRA '87. This Act was created more 20 years ago to ensure quality care for the now more than 1.7 million nursing home residents in America. By signing this bill into law, President Reagan, along with Congress, indicated that the Federal government has responsibility to ensure the health and safety of nursing home residents. It is a responsibility that I take very seriously, as I know my colleagues do.

We are a nation that is living longer than ever before. With the baby boomers, we will see an exploding elderly population. This surge will only compound any safety or quality issues currently in the system. That is why I look forward to continuing to work with the advocacy community, nursing home care providers and the Centers for Medicare and Medicaid Services (CMS) to ensure the capacity and quality standards meet our current needs and adequately anticipate the needs of the future.

I believe that all stakeholders must work collaboratively to solve problems within the system. In fact, I am currently working with Senator Lincoln to reintroduce the “Long-Term Care Quality and Modernization Act,” that we first proposed in the 109th Congress. This bill encourages improvements to nursing homes and the long-term care system generally. I look forward to continuing to work with many of the advocates, care providers, and regulators here today to continue to improve and to ultimately pass this legislation.

Some good news is that nursing home quality has improved since 1987. The GAO has reported in their March 2007 study that the number of serious deficiencies in the four states they examined has decreased between 2000 and 2005. I understand that national data shows a similar downward trend. This is to be applauded. However, we must not rest on our laurels. With about 22 percent of nursing homes still out of compliance with Federal standards – more improvement are necessary.

The past two decades have revealed a true culture shift occurring within the world of long-term care, including services that put the patient at the center of care, encourage inclusion of families

in decision-making and giving more choices in the location of the care, such as community-based and in-home care.

In fact, my home state of Oregon is a leader in helping elderly and dependent persons remain in their homes as they age and/or require more hands on care. The vast majority of Americans want to retain their independence and remain in their homes. Because of this culture change, they are able to do that now more than ever. Federal programs and funding should continue to move in this direction.

However, while our elderly are being given more choices in their care, we know that there will always be a section of the population that is too frail, too dependent upon services, to remain in their homes and communities. Nursing homes become the option that can most suit their needs. Nursing home residents are some of the most vulnerable people in our nation. Some have families that can help monitor their care, but many do not. These people depend upon the care providers and the regulators to ensure they are receiving the services they need.

Some of the reports that we will discuss today, including the most recent by the Government Accountability Office (GAO), point out the bad actors within the nursing home industry. Today we must look at these actors and determine what we can do to either help them perform at a much higher level and with consistency, or look at ways they can be phased out of the system. We must also look at how the closing of these facilities would affect the patients they serve and communities in which they are located.

I am confident that our panel of experts will help to answer these questions. I want to thank all of our witnesses for being here today and for their tireless work to improve quality of care for all who reside in our nation's nursing homes.